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No display of Soda Water Works

## LONG SIEGE IS ENDED

**Mrs. Rowland Is Winner in Suit for Land.**

**Injunction Suit Against Mutual Telephone Company.**

**Defendant Testifies in Her Own Behalf in Child Harboring Case—Rosa Estate.**

After midnight on Tuesday the jury in the Godfrey-Rowland ejectment case were allowed to go into sleeping quarters at the Hawaiian hotel. At the opening of the court yesterday morning they appeared to report that they were unable to agree.

Mr. McClanahan offered to renew his motion for a directed verdict for the defendant. Mr. Wilder objected that it was too late after the case had gone into the jury's hands. The court refused to entertain the motion.

Judge De Bolt, in sending the jury out again, delivered an address of advice to them. He stated that the purpose of the law was to end litigation. While exactness in deciding between man and man was desirable, it was practically impossible in human affairs to be absolutely exact. Every man was entitled to his own opinion, but at the same time ought to give due weight to the opinions of others. The Judge gave an instance of his own recent experience, where, feeling sure of his ground, he wrote an opinion but after further hearing and the perusal of briefs prepared a contrary opinion. Finally, he said a juror was not expected to surrender his fixed opinion for the sake of a verdict.

At their request the jury were allowed to take recreation in an electric car ride to and from Waikiki. On their return they took to deliberation again and, with only respite for lunch, stuck to it all day. Different times they sent out for special instructions, which Judge De Bolt gave as well as an extract from his charge which he directed Stenographer Horner to transcribe in typewriting.

Judge De Bolt had determined to keep the jury out another night falling a verdict. About 6 o'clock, however, they returned a verdict for the defendant. Counsel for plaintiff noted exceptions and gave notice of motion for a new trial.

Another case in which the title to property left by the late Frank Metcalf is involved is pending in the Supreme Court, being that of Frank Godfrey, trustee for Thomas Metcalf, and Thomas Metcalf himself against John Kidwell, over property in Manoa valley.

**CHILD HARBORING CASE.**  
Mrs. Josephine Chilton was on the witness stand in her own behalf a great part of yesterday before Judge Gear, in her trial for harboring Maggie Place while under abduction by her son, Harry Chilton. She told of having urged the girl from day to day to return home, but Maggie was ready with excuses after the set times had passed for not keeping her promises to go away. There was the same old battle throughout the proceedings over the

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admission of evidence. The trial will be resumed this morning.

### TELEPHONE INJUNCTION.

Sidney M. Ballou has brought an injunction against the Mutual Telephone Co. to compel it to render adequate service to petitioner, and to refrain from interfering with the telephonic connection between the respondent's system and the petitioner's house.

Mr. Ballou wanted a desk telephone installed for the use of his wife, who being in poor health, desired a telephone within reach of her bed. The company refused and Mr. Ballou had a desk telephone installed from another source and connected with the respondent's wires. The company without leave cut out the telephone by severing its wires. Later the company put in a desk telephone of a type that petitioner says is clumsy, and made a charge therefor of \$5 a month which Mr. Ballou contends is exorbitant.

It is alleged in the petition that the Mutual Telephone Co., threatens to disconnect the petitioner from its service. Hence his recourse to the injunction process.

### THE ROSA ESTATE.

Elia A. C. Long, commissioner to determine dower of Helen N. Rosa, deceased, has rendered his final report. He finds that the dower interest of the widow named at the date of her husband's death was \$3564.81, this relating to the real estate. As, under the law, the widow is not entitled to dower in the personal property until the debts of the estate have been paid, no estimate was made of the dower in \$1517.40 of personality because there was no apparent prospect of such payment of debts.

The commissioner submits for the court's consideration information from the executor of the will of Antone Rosa, to the effect that on July 2, 1885, J. P. Kina and wife conveyed to Rosa a piece of land at Kalihi containing 2.78 acres. As mentioned in the deed, the property is subject to a mortgage for \$600 to the estate of J. G. Hayselden dated July 11, 1884. It is further learned that Poepoe, wife of Kina, is in absolute possession of this property, holding it adversely to the claims of the estate of Antone Rosa. This discovery of property was made by the commissioner after filing his preliminary report.

### PAPERS FILED.

Respondent in the case of Lu Kim Woom vs. Henrietta Fishel is given twenty days more to plead, answer or demur to petition.

John Ena by his attorneys, Robertson & Wilder, has discontinued his suit against Honolulu Investment Co. It was a claim for \$435 on account of breach of covenant to pay rent and taxes on premises at Twile.

Albert Barnes by his attorney, W. Austin Whiting, moves to set for a day certain the hearing of his equity suit against Charles R. Collins.

### INSURANCE APPEAL.

Defendant's motion for a new trial in the suit of Kwong Lee Yuen & Co. vs. Manchester Fire Insurance Co. was denied by Judge De Bolt. An exception was noted. Hatch & Ballou for plaintiff, Robertson & Wilder for defendant.

## UP TO YACHT CLUB DIRECTORS

The controversy over the recent Gladys-La Paloma yacht race around the island of Oahu, is unsettled. At a meeting of the Regatta Committee of the Hawaii Yacht Club, at which were present Allan Dunn, chairman; Geo. Turner and Frank Halstead, held to determine the disputed title of who won the race of September 26, 27 and 28, it was duly moved, seconded and carried that the times of the yachts, as recorded by the various members of the regatta committee aboard the contesting yachts, should be accepted, but that the final decision should be relegated to a committee to consist of the directors of the Hawaii Yacht Club, with the exception of such members of the directorate who are interested by ownership in this matter, sitting in conference with the three captains sailing the race and the executive regatta committee.

## RAPID TRANSIT ANNOUNCES PLANS

The Rapid Transit Company yesterday morning formally notified the Superintendent of Public Works that it had acquired the rights and privileges of the Hawaiian Tramways Company, and that it intended to immediately change the Fort and Nuuanu street lines from animal to an electric power system.

### Annual Kindergarten Meeting.

The annual meeting of the Free Kindergarten and Children's Aid Association will be held tomorrow at 10 o'clock in the rooms of the Y. M. C. A. The annual report of the president will be read and officers are to be elected for the ensuing year. A half hour before the annual meeting the board of supervisors will hold their regular monthly meeting and all friends interested in kindergarten work are cordially invited to attend.

### HIS SPECIAL LINE.

"Did your son specialize along any particular line?" somebody asked of the college graduate's proud mother.  
"Oh, yes," was the reply. "I heard one of his friends say that he made a great record for himself on the rush line the last two years he was in college."—Syracuse Herald.

## POOR MILK LAST MONTH

**Last Official Report of Food Commissioner E. C. Shorey.**

Up to the 15th of September, when the retiring Food Commissioner had a leave of absence, 49 samples of milk were examined since August, of which all but three were up to or above standard.

Samples of milk below standard were obtained from these sources, viz: Japanese driver for Peterson, F. Correa and Japanese driver for G. Holt.

E. C. Shorey, Food Commissioner, after relating details of his own tests of milk, concludes his report to the Board of Health as follows:

"During the period from the 15th to the end of the month Mr. Myhre continued the usual inspection and examined the samples so taken by taking the density and determining the butter fat. As indicated by the figures so obtained four out of forty-four samples examined were below standard. I make no detailed report of these samples, not because I have any doubt as to the accuracy of the figures obtained, but because I have no personal knowledge of the samples.

"An examination of the crust or coating on the zinc used on the tables of one of the fish markets in Hilo was made. No soluble zinc compound was found but the material was saturated with organic matter and might very well serve as a breeding place for micro-organisms.

"One sample of unknown origin was examined at request of a private party for cocaine, and none found.

"A partial examination of one stomach contents was made.

"The flashing point of two samples of crude petroleum was made for the Department of Public Works.

"Other samples collected or sent in are left for my successor."

**NO OPIUM IN CHAMBERLAIN'S COUGH REMEDY.**—Many cough cures contain opium. The effect of this drug is to diminish secretion of the mucous, and the relief afforded is only temporary. As soon as the effect of the opium passes off, the malady returns in a more severe form. The system is also weakened and rendered more susceptible to cold. Chamberlain's Cough Remedy does not contain opium in any form. It affords relief and leaves the system in a healthy condition. It always cures and cures quickly. Benson, Smith & Co., wholesale agents, sell it.

### PRECAUTION

Towne (at the race track)—Oh! I've got a dead sure thing for this race. I simply can't lose.

Brown—Indeed? Was that your rabbit's foot you just put away so carefully in your inside pocket?

Towne—Why—er—no, that was a nickel for car fare home.—Philadelphia Press.

### WE ARE MARCHING ON.

It is strange, yet true, that most of the diseases of middle age and advanced life are efforts on the part of the system to purify the blood. Yet because of the feebleness of the liver, kidneys and bowels these well-meant efforts are often in vain, and lives come to an end which might have been prolonged for many pleasant years. There was, formerly, no remedy which could be depended upon to prevent or overcome this condition. But within the past decade we have been making progress. Truth is mighty and will prevail. The old notions and moss-covered superstitions must fall before new facts and new discoveries. Nothing thus far known to medical science is so effective in purifying the blood through its action on the excretory functions of the body, as **WAMPOLE'S PREPARATION**. It quickly scatters and overcomes the following familiar and dangerous symptoms of impure blood and torpid circulation: The languid, tired feeling; pain in the head; dry skin; bad taste in the mouth; weak stomach with nausea, etc. It is palatable as honey and contains the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. It relieves and cures many ailments that have been abandoned as hopeless. The reasons are—its power over the digestive and assimilating process, its action in expelling impurities from the blood, and its consequent ability to vitalize and rebuild the whole structure. No slow or doubtful action. "You cannot be disappointed in it. The first bottle proves its virtue. Genuine is sold by chemists here and everywhere throughout the world.

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**THIS DAY**  
**Household Furniture**  
**At Auction.**

ON THURSDAY, OCT. 1,  
AT 10 O'CLOCK A. M.

At the "Aloha House," Fort Street, between Kukui and Vineyard streets, I will sell at public auction, Bedroom Sets, Bureaus, Tables, Chairs, Mosquito Nets, Mattresses, Rugs, Etc., Etc.

**JAS. F. MORGAN,**  
**AUCTIONEER.**

## CASH SALE

At my salesroom, 847 Kaahumanu street.

**On Friday, Oct. 2, 1903**

AT 10 O'CLOCK A. M.

I will sell the following:

Tailor Goods, Hats, Tobacco, Cigarettes, A Fine Line of Cigars, Iron Beds, Cheffonier, Chairs, Tables, Sets of Harness, Etc.

**JAS. F. MORGAN,**  
**AUCTIONEER.**

**Auction Sale**  
**OF**  
**Delinquent Stock**  
**IN THE**  
**Concrete Construction Co.,**  
**LTD.**  
**WEDNESDAY, OCT. 7, AT NOON**

By order of the directors of the Concrete Construction Company, Limited, and acting for them, I hereby give notice, that I intend to sell and will sell, at public auction, on Wednesday, October 7th, 1903, at 12 o'clock noon, at the salesroom of James F. Morgan Nos. 847 to 857 Kaahumanu street, in Honolulu, Island of Oahu, Territory of Hawaii, United States of America, eighty-five (85) shares of the capital stock of said Company, or a sufficient number of said shares to pay the amount due thereon, said shares being contained in Certificate No. 5, and duly issued to C. Leonard, of the City of Los Angeles, in the State of California, upon which there is due and owing said company a balance of an assessment of twenty (20) per cent, amounting to the sum of one thousand and twenty dollars (\$1,020), which said assessment was duly levied on the 12th day of December, 1900, and remains unpaid, said sale to take effect as aforesaid, unless said assessment, with interest thereon, the cost of this publication, and the auctioneer's fee, is paid on or before the day and hour of said sale.

Dated September 7th, 1903.  
E. P. CHAPIN,  
Treasurer The Concrete Construction Co., Ltd.

**JAS. F. MORGAN,**  
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## FOR LEASE.

Piece of land in Manoa Valley, having a frontage of 380 feet on the main government road and a depth of 220 feet to the stream. Contains 187-100 acres.

Lease has 19 years to run.  
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The Alliance Assurance Co. of London.

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**5c and 10c packages**

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Cases of 50 quarts, \$3.50 per case.  
Per dozen, \$2.25. Per bottle, 20c.  
Cases of 100 pints, \$10.50 per case.  
Cases of 50 pints, \$5.50 per case. Per dozen, \$1.50. Two bottles for 25c.  
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